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GENERAL ORDERS, }
No. 135. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 18, 1863.

I.. Before a Military Commission, which convened at St. Louis, Missouri, May 31, 1862, pursuant to Special Orders, No. 117, dated Headquarters St. Louis District, St. Louis, Missouri, May 2, 1862, and of which Colonel LEWIS MERRILL, Missouri Cavalry, is President, was arraigned and tried—

Rees McNiel.

CHARGE.—“ Violation of the laws of war.”

Specification 1st—“ For this ; that the said *Rees McNiel* did aid and comfort numbers of persons who were engaged in robbing, plundering, and maltreating citizens of the State of Missouri. This at or near Waverly, Saline county, on or about the 15th day of December, A. D. 1861.”

Specification 2d—“ For this ; that the said *Rees McNiel* did receive from certain persons unknown, and keep and conceal, one wagon, the property of the United States of America. This at or near Waverly, Saline county, Missouri, on or about the 8th day of September, 1861.”

To which charge and specifications the accused, *Rees McNiel*, pleaded as follows :

To the 1st *Specification*, “ Not Guilty.”

To the 2d *Specification*, “ Not Guilty, but admits that he received wagon.”

To the CHARGE, “ Not Guilty.”

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, *Rees McNiel*, as follows

Of the 1st *Specification*, “ Guilty.”

Of the 2d *Specification*, "Guilty."

Of the *CHARGE*, "Guilty."

SENTENCE.

And the Commission does therefore sentence him, *Rees McNiel*, "*To be shot to death at such time and place as the Commanding General of the department may direct.*"

II. Before a Military Commission, which convened at the Head of Spring River, Missouri, November 9, 1862, pursuant to Special Orders, No. 11, dated Headquarters 2d Division, Army of the Frontier, Camp at the Head of Spring River, November 7, 1862, and of which Brigadier General E. B. BROWN, U. S. Volunteers, is President, was arraigned and tried—

Private *John Hough*, Company "K," 8th Missouri State Militia.

CHARGE.—"Violation of the laws of war."

Specification.—"In this; that Private *John Hough*, of Company 'K,' 8th Regiment Missouri State Militia, in the service of the United States, did, without authority, and contrary to law and order, forcibly cause one Levi Gustin Mattingly, a boy about nine years of age, to dismount from a horse that the boy was then riding along the highroad, returning from mill, (the horse being the property of Lewis Mattingly, the grandfather of the aforesaid boy,) and did appropriate said horse to his, Private *John Hough*'s, own private use. All this on the highroad between Mt. Vernon and Cassville, in Lawrence county, Missouri, on or about the 6th day of November, 1862."

To which charge and specification the accused, Private *John Hough*, Company "K," 8th Missouri State Militia, pleaded "Guilty."

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, Private *John Hough*, Company "K," 8th Missouri State Militia, as follows:

Of the *Specification*, "Guilty."

Of the *CHARGE*, "Guilty,"

SENTENCE.

And the Commission does therefore sentence him, Private *John Hough*, Company "K," 8th Missouri State Militia, "*To be shot to death at such time and place as the Commanding General may direct, two-thirds of the members concurring.*"

III. Before a Military Commission, which convened at Springfield, Missouri, September 4, 1862, pursuant to Special Orders, No. 599, dated Headquarters South Western Division, Springfield, Missouri, August 28, 1862, and of which Major WILLIAM JACKSON, 3d Cavalry, Missouri State Militia, is President, were arraigned and tried—

1. *James A. Stoker.*

CHARGE.—"Violation of the laws and customs of war."

Specification 1st—"In this; that the said *James A. Stoker*, being a citizen of the United States, and owing allegiance thereto, did consort with and aid and assist the rebel enemies of the United States to rob one William Carlton, a peaceable citizen of the United States, and did unlawfully and forcibly, in company with said rebels, take from the said Carlton one horse, contrary to his will. This in Newton county, in the State of Missouri, on or about the 10th day of December, A. D. 1861."

Specification 2d—"In this; that the said *James A. Stoker*, being a citizen of the United States, and owing allegiance thereto, did, in company with certain rebel enemies of the United States, rudely, insolently, and in a violent manner, enter the dwelling-house of one John W. Johnson, a peaceable and loyal citizen of Newton county, then and there being, and did, by threats and violence, disturb the peace of the family of the said Johnson; the said rebel enemies of the United States, in company with the said *James A. Stoker*, threatening to shoot the wife of the said Johnson, and by other rude and hostile demonstrations greatly

annoy and frightening the family of the said Johnson. This in Newton county, in the State of Missouri, on or about the first day of December, A. D. 1861."

Specification 3d—"In this; that the said *James A. Stoker*, being a citizen of the United States, and owing allegiance thereto, did, in company with certain rebel enemies of the United States, unlawfully and forcibly take from the possession of one John W. Johnson, a loyal citizen of the United States, one mare, the property of one U. P. Johnson. This in Newton county, in the State of Missouri, on the first day of December, A. D. 1861."

Specification 4th—"In this; that the said *James A. Stoker*, being a citizen of the United States, and owing allegiance thereto, in company with certain rebel enemies of the United States, did, forcibly and unlawfully, take from one William Schoolen one horse, the property of him, the said William Schoolen, contrary to the laws and usages of war. This in Newton county, in the State of Missouri, on or about the first day of December, A. D. 1861."

To which charge and specifications the accused, *James A. Stoker*, pleaded "Not Guilty."

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, *James A. Stoker*, as follows:

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty."

Of the 4th *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Commission does therefore sentence him, *James A. Stoker*, "To be hung by the neck until he is dead, at Springfield, Missouri, on the first Friday in October, A. D. 1862."

CHARGE.—“ Violation of the laws of war.”

Specification 1st—“ In this ; that the said *Charles H. Clifford*, having joined and given in his adhesion to the so-called Confederate States of America, in violation of his duties and obligations as a citizen of the United States, and having entered into the military service of the so-called Confederate States, and having received and accepted a commission as major in the armies of the said Confederate States, now in open rebellion against the United States, and engaged in carrying on active hostilities against the Government and authorities thereof, clandestinely, stealthily, and in disguise, and in the garb and habiliments of a citizen, did leave the camps of the said rebel enemies of the United States, and pass within the limits of the military forces of the United States, in the Southwestern District of the State of Missouri, without any badge or mark designating his rank, and without disclosing to the said military authorities his position or rank in the said rebel armies, and with the intent and purpose of deceiving and evading the said military authorities, and passing the military lines of said authorities in disguise, and without their knowledge and consent, contrary to the laws of war. This in Green county, in the State of Missouri, on the 21st day of October, 1862.”

Specification 2d—“ In this ; that the said *Charles H. Clifford*, being a rebel enemy of the United States, engaged in active rebellion against the Government and laws thereof, and holding a commission as major in the armies of said rebels, did leave the camps of said rebel enemies in the State of Arkansas, and clandestinely, stealthily, and in disguise, and without the consent of the proper military authorities, did enter within the military lines of the Southwestern District of the State of Missouri, now held by the military authorities of the United States, and in the habiliments and garb of a private citizen of the United States was found lurking about and near the fortifications of the post of Springfield, then and there being a military post of great im-

portance in the Southwestern District of the State of Missouri, held by the military forces of the United States, and within the lines of the said Southwestern District of the State of Missouri, contrary to the laws and usages of war. This in Green county, in the State of Missouri, on the 21st day of October, 1862."

Specification 3d—"In this; that said *Charles H. Clifford*, being a rebel enemy of the United States, engaged in active hostilities against the government and laws thereof, and holding a commission as major in the armies of the rebel enemies of the United States, did leave the camps of the said rebel enemies, in the State of Arkansas, and stealthily, clandestinely, and in disguise, and in the garb and dress of a soldier of the United States forces, did come within the lines of the Military District of the Southwestern Division of the State of Missouri, then held by the military authorities of the United States, without the knowledge or consent of said military authorities, and without disclosing to them his rank and position in the armies of the said rebels, in whose service he was then engaged; and in the garb and habiliments of a soldier as aforesaid, was found lurking in concealment and disguise around and near the fortifications of the post at Springfield, a military post of great importance, held by the military authorities within the lines of the said Southwestern District of Missouri, and was arrested by the authorities of the United States, attempting, in disguise as aforesaid, to escape from within the military lines of the said Southwestern District of Missouri, and from the said post of Springfield, for the purpose and with the intent of returning to the camps of the rebel enemies of the United States, contrary to the laws and customs of war. This in Green county, in the State of Missouri, on the 21st day of October, 1862."

To which charge and specifications the accused, *Charles H. Clifford*, pleaded "Not Guilty."

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, *Charles H. Clifford*, as follows :

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty, except so much as he is charged with coming within the lines of the military authorities in the garb and dress of a soldier of the United States Army."

Of the CHARGE, "Guilty."

SENTENCE.

And the Commission does therefore sentence him, *Charles H. Clifford*,
 "To be hung by the neck until he is dead, at such time and place as the Commanding Officer of the department may designate, two-thirds of the members thereof concurring."

IV.—Before a Military Commission, which convened in the city of St. Louis, Missouri, May 22, 1862, pursuant to Special Orders, No. 117, dated Headquarters St. Louis District, St. Louis, Missouri, May 2, 1862, and of which Colonel LEWIS MERRILL, Merrill's Horse, is President, was arraigned and tried—

Joseph L. Englehart.

CHARGE.—"Violation of the laws of war."

Specification 1st.—"For this; that the said *Joseph L. Englehart*, a citizen of the State of Missouri, did, with certain other persons unknown, steal, take, and carry away from the possession of one J. C. Higgins, a citizen of Pettis county, and State of Missouri, two horses and two mules, the property of the said J. C. Higgins. This at Pettis county, State of Missouri, on or about the 15th day of February, A. D. 1862."

Specification 2d.—"For this; that the said *Joseph L. Englehart*, a citizen of the State of Missouri, at divers times, from the 1st day of October, A. D. 1861, until the first day of March, A. D. 1862, and within the lines of the United States forces, has forcibly taken the horses, mules, and other property of citizens of the State of Missouri, pretending to pay for the same in the currency of the so-called Confederate States, an unlawful and treasonable

combination against the government of the United States of America. This at Saline and Pettis counties, State of Missouri."

Specification 3d—"For this; that the said *Joseph L. Englehart*, a citizen of the State of Missouri, did, in connexion with certain persons unknown, and within the lines of the United States forces, for a long space of time, viz: from the first day of December, A. D. 1861, to the first day of March, A. D. 1862, carry on a partizan and guerrilla warfare, robbing, plundering, and maltreating the citizens of the State of Missouri, contrary to the laws of war. All this at the counties of Saline and Pettis, State of Missouri."

Specification 4th—"For this; that the said *Joseph L. Englehart*, with certain other persons unknown, and within the lines of the United States forces, attacked a mail coach used for the conveyance of the United States mail from Marshall to Boonville, in the State of Missouri, and forcibly seized, drove off, and concealed the said mail coach. All this at Marshall, Saline county, in the State of Missouri, on or about the first day of January, A. D. 1862."

To which charge and specifications the accused, *Joseph L. Englehart*, pleaded "Not Guilty."

FINDING.

The Commission, having maturely considered the evidence adduced, finds the accused, *Joseph L. Englehart*, as follows:

Of the 1st *Specification*, "Guilty, except as to the horses."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Not Guilty."

Of the 4th *Specification*, "Guilty."

Of the CHARGE, "Guilty."

SENTENCE.

And the Commission does therefore sentence him, *Joseph L. Englehart*, 'To be shot to death at such time and place as the Commanding General of the department may direct.'

V.—In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of *Rees McNeil* have been submitted to the President of the United States, who directs that the sentence "to be shot to death" be commuted to imprisonment in one of the military prisons for one year. The General Commanding the Department of the Missouri will designate the military prison to which the prisoner will be sent.

In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of Private *John Hough*, of Company "K," 8th Missouri State Militia, have been submitted to the President of the United States, who directs that the sentence "to be shot to death" be commuted to imprisonment in one of the military prisons for six months, from the 11th day of May, 1863. The General Commanding the Department of the Missouri will designate the military prison to which the prisoner will be sent.

In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the cases of *James A. Stoker* and *Charles H. Clifford* have been submitted to the President of the United States, who directs that the sentence awarded each "to be hanged by the neck until he is dead" be commuted, in the case of *Stoker*, to imprisonment at hard labor during the war, and in the case of *Clifford* to confinement in one of the military prisons for during the war. The General Commanding the Department of the Missouri will designate the military prison to which the prisoner Clifford will be sent.

In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of *Joseph L. Englehart* have been submitted to the President of the United States, who disapproves the sentence "to be shot to death," on account of informality in the proceedings.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant General.